



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCB/172763

PRELIMINARY RECITALS

Pursuant to a petition filed March 10, 2016, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Chippewa County Department of Human Services in regard to Child Care (CC), a hearing was held on April 19, 2016, at Chippewa Falls, Wisconsin.

The issue for determination is whether the department correctly ended the petitioner's request for child care benefits because she failed to complete her six-month report.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Children and Families
201 East Washington Avenue, Room G200
Madison, Wisconsin 53703

By: [REDACTED]

Chippewa County Department of Human Services
711 N. Bridge Street
Chippewa Falls, WI 54729-1877

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Chippewa County.
2. The petitioner was an ongoing recipient of child care benefits.
3. The department sent the petitioner a written reminder on November 23, 2015, that she would be receiving a six-month reporting form that she would have to send in to continue receiving child

care benefits. She was also told that the form would ask for information about her income and number of hours worked.

4. On January 6, 2016, the department sent the petitioner her six-month report and instructions and told her she should complete it by January 5, 2016.
5. The department notified the petitioner on January 19, 2016, that her child care eligibility would end on January 31, 2016, if she did not complete her six-month form by then. It also indicated that she would have to reapply if it ended.
6. The petitioner completed her six-month report on February 26, 2016. She did not verify her income and hours worked when doing so.
7. The petitioner verified her income early in March 2016.
8. The department ended the petitioner's child care benefits on February 1, 2016, because she did not complete her six-month review.

DISCUSSION

Child Care Benefits are provided to W-2 participants who are working in unsubsidized employment or some other approved activity. Wis. Stat. § 49.155(1m)(a). Most of the program's rules are found program's policy manual. The eligibility of those already eligible must be reviewed at least every six months. *Wisconsin Shares Child Care Subsidy Policy Manual*, § 1.9.2. When eligibility is redetermined, a recipient must complete a six-month reporting form. *Manual*, § 1.9.3. A person cannot receive a child care authorization until she completes all information on the form and the agency has obtained all necessary verification. *Id.*

The recipient usually has seven business days from the date the agency mailed the "Notice of Verification Needed" to submit the verification to the agency. If it is not received within seven business days, the agency is instructed to send a denial notice to alert the person that eligibility has ended. *Id.* If the recipient requests more time to provide verification, the agency may extend the date verification is due to not more than one month after the six month report form is due. *Id.*

The agency ended the petitioner's eligibility because she did not complete her verification within 30 days of the date it indicated that her benefits would end. The agency notified her on January 19, 2016, that her benefits would end on January 31 because she had not completed her six-month reporting form. The petitioner testified that she faxed the six-month reporting form to the agency from her employer, the [REDACTED], late in February but concedes that she did not send verification of her income until four days into March. She states that she did not send the verification because she did not know it was needed if she held the same job.

The six-month reporting form explicitly states in Section 4 A, "Child Care households must include proof for all job income." This requirement doesn't distinguish between those who have changed jobs and those who have kept the same job. Doing so would defeat the purpose of verification, which is to require recipients to prove that the information they put on the six-month form is accurate. Because the petitioner did not provide this information, she did not complete her six-month form. Therefore, the department correctly ended her child care benefits. To regain those benefits, she must reapply.

CONCLUSIONS OF LAW

The department correctly ended the petitioner's eligibility for child care because she did not complete her six-month report on time.

THEREFORE, it is

ORDERED

The petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 East Washington Avenue, Room G200, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 16th day of May, 2016

\sMichael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on May 16, 2016.

Chippewa County Department of Human Services
Child Care Benefits